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Thomas H. Osborn
OTIS ELEVATOR COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
10 Farm Springs
Farmington, CT 06032

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OFFICE OF PETITIONS

In re Application of :
Luiz Bacellar *et al.* :
Application No. 10/527,974 :
Filed: August 11, 2005 :
Attorney Docket No. OT-4967 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed 11 February 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure(s) to timely pay the issue and publication fees on or before 27 December 2007, as required by the Notice of Allowance and Fee(s) Due, mailed on 27 September 2007, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on 28 December 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

The payment submitted by the petitioner is insufficient to cover the issue fee of \$1,440.00 and the publication fee of \$300.00.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to Allen C. Ho at (571) 272-6052.



David Bucci
Petitions Examiner
Office of Petitions